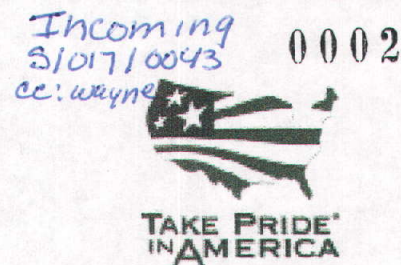




**United States Department of the Interior**  
**BUREAU OF LAND MANAGEMENT**  
Henry Mountains Office  
PO Box 99  
380 S. 100 W.  
Hanksville, Utah 84734  
(435)542-3461



In Reply Refer To:  
3715  
UTU-71615  
(UT-050)

January 14, 2010

Decision  
Amended Mining Notice Approved

Certified Mail-Return Receipt Requested  
7002 2410 0006 7458 6927

Kim E. Wilson  
Martinique Mining Corporation  
2784 Jefferson Avenue  
Ogden, Utah 84403

Dear Mr. Wilson:

The Bureau of Land Management has completed the review of your proposed occupancy for your amended notice for activity on your May Day mill site under notice UTU-71615. This occupancy consists of a camp trailer, an office trailer, a 20 foot by 8 foot skid-mounted water tank, a buried 2 inch plastic water line connecting an existing reservoir to the water tank, two 40 foot by 8 foot skid-mounted storage containers, two portable sanitary toilets (porta-john or camping-style portable toilets) and a one ton per hour rated 22 foot long crushing, grinding and gravity concentrating milling circuit. The milling circuit is a closed loop circuit and there would be no discharge from the unit. All tailings would be collected for study at a refinery and all liquids would be re-circulated.

Your proposed occupancy must conform to the provisions found in 43 CFR 3715.2.  
Those activities that are the reason for your occupancy must:

- (a) Be reasonably incident;
- (b) Constitute substantially regular work;
- (c) Be reasonably calculated to lead to the extraction and beneficiation of minerals;
- (d) Involve observable on-the-ground activity that BLM may verify under 3715.7 (BLM field staff is authorized to physically inspect all structures, equipment, workings and uses located on public lands); and
- (e) Use appropriate equipment that is presently operable, subject to the need for reasonable assembly, maintenance, repair or fabrication of replacement parts.

**RECEIVED**  
**JAN 21 2010**  
**DIV. OF OIL, GAS & MINING** 0002



#### 43 CFR 3715.2-1

In addition to the requirements specified in 3715.2, your occupancy must involve one or more of the following:

- (a) Protecting exposed, concentrated or otherwise accessible valuable minerals from theft or loss;
- (b) Protecting from theft or loss appropriate, operable equipment which is regularly used, is not readily portable, and cannot be protected by means other than occupancy;
- (c) Protecting the public from appropriate, operable equipment which is regularly used, is not readily portable, and if left unattended, creates a hazard to public safety;
- (d) Protecting the public from surface uses, workings, or improvements which, if left unattended, create a hazard to public safety; or
- (e) Being located in an area so isolated or lacking in physical access as to require the mining claimant, operator, or workers to remain on site in order to work a full shift of a usual and customary length. A full shift is ordinarily 8 hours and does not include travel time to the site from a community or area in which housing may be obtained.

#### 43 CFR 3715.5

- (a) Your use or occupancy must be reasonably incident. In all uses and occupancies, you must prevent or avoid "unnecessary or undue degradation" of the public lands and resources.
- (b) Your uses must conform to all applicable federal and state environmental standards and you must have obtained all required permits before beginning, as required under 43 CFR 3800. This means getting permits and authorizations and meeting standards required by state and federal law, including, but not limited to, the Clean Water Act, and the Resource Conservation and Recovery Act, as required under 43 CFR part 3800.
- (c) Your occupancies must conform to all applicable federal and state environmental standards and you must have obtained all required permits before beginning, as required under this subpart and 43 CFR part 3800. This means getting permits and authorizations and meeting standards required by state and federal law, including, but not limited to, the Clean Water Act, Clean Air Act, and the Resource Conservation and Recovery Act, as required under this subpart and 43 CFR part 3800.
- (d) If your prospecting or exploration activities involve only surface activities, you must not place permanent structures on the public lands. Any temporary structures you place on the public lands during prospecting or exploration will be allowed only for the duration of the activities, unless BLM expressly and in writing allows them to remain longer. If your prospecting or exploration activities involve subsurface activities, you may place permanent structures on the public lands, if BLM concurs.
- (e) All permanent and temporary structures you place on the public lands must conform with the applicable state or local building, fire, and electrical codes, and occupational safety and health and mine safety standards. If state or local codes require, you must obtain a certificate of occupancy or its equivalent before you begin use or occupancy involving permanent structures. If state or local law requires, you must also acquire appropriate sewerage and sanitation permits before the occupancy or use of a permanent structure placed on the public lands.

#### **Decision:**

I concur that your proposed occupancy consisting of the temporary placement of a camp trailer, an office trailer, a 20 foot by 8 foot skid-mounted water tank, a buried 2 inch plastic water line, two 40 foot by 8 foot skid-mounted storage containers, two portable sanitary toilets (porta-john or camping-style portable toilets) and a one ton per hour rated 22 foot long crushing, grinding and gravity concentrating milling circuit for use in conjunction with your drilling and mining



operations conforms to the provisions of 43 CFR 3715.2, 3715.2-1 and 3715.5. You are required to continue to comply with 43CFR 3715.2, 3715.2-1 and 3715.5 for the duration of your occupancy.

**Appeal of the Decision:**

If you do not agree and are adversely affected by this decision, you may request that the Utah BLM State Director review this decision. If you request a State director Review, the request must be received in the Utah BLM State Office at 440 West 200 South, Suite 500, Salt Lake City, Utah, 84145-0155, no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a Stay is granted by the State Director. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM received the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your Notice of Appeal with this office at 150 East 900 North, Richfield, UT 84701 which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office at 150 East 900 North, Richfield, UT 84701 within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your Notice of Appeal. Copies of the Notice of Appeal and petition for a stay must also be submitted to each party named in the decision and to the Office of the Solicitor at Field Solicitor, US Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah, 84138-1180, at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted based on the standards listed below.

**Standards for Obtaining a Stay**

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Sincerely,



Sue Fivecoat  
Assistant Field Manager

Cc: Wayne Western, UDOGM